

REMARKS

Section 101 rejection of claims 1-48

Applicant amends independent claim 1 and 18 to recite a computer-implemented method in the preambles thereof, as suggested by the Examiner. The dependent claims (claims 2-17 and claims 19-27) need not be amended since they already include the limitations of their respective parent claims, which have been amended.

Applicant amends independent claim 38 to recite a machine-readable medium having instructions encoded thereon, as suggested by the Examiner. Dependent claims 39-48 need not be amended since they already include the limitations of claim 38 as amended.

Applicant's use of "medium" in the singular is not intended to be limited to discrete physical structures. For example, a RAID array can be regarded as a machine-readable medium even though it may have many disks, each of which can itself be regarded as a separate machine-readable medium. Similarly, each disk may be regarded as a single "medium" even though it has many sectors, each of which is itself a machine-readable medium.

With regard to claim 38, Applicant does not intend to concede that a propagated signal carrying information indicative of instructions is in any way intangible. Applicant regards the cable or wireless channel on which such a signal is propagated to be a "machine-readable medium." Indeed, it is common parlance to refer to radio and cable as each being a "medium of communication." Certainly, if a cable that carries television programming can be regarded as a human-viewable medium of communication, there is no reason why the very same cable, when carrying machine executable instructions, ought not to be regarded as a machine-readable medium of communication.

In an effort to expedite prosecution, Applicant amends independent system claim 28 to recite structures that provide further tangibility to the claimed subject matter. Claim 28 now recites a plurality of digital computers for executing the applications that are to collaborate with each other, and an integration hub with which the digital computers are in data communication.

Section 103 based on *Gupta* and *Koo*

Claim 1 is now rejected as being rendered obvious by the combination of *Gupta*¹ and *Koo*.² As best understood, the Examiner agrees that *Gupta* fails to teach the limitation of publishing the common format object on a selected channel. The Examiner has now drawn attention to *Koo* as showing, in FIG. 1, a producer A publishing on both channels 1 and 2, and another producer B publishing only on channel 1. The Examiner appears to consider this to meet the limitation of publishing a common format object on a selected channel.

Applicant notes that in *Koo*, producers publish on their assigned channels regardless of what it is they are publishing. For example, producer B always publishes on channel 1. This means that consumer D cannot see messages published by producer B, and consumer E cannot avoid messages from producer B.

It is true that consumer D can, if he wishes, subscribe to channel A. However, consumer D must make a decision to do so. Thus, in *Koo*, subscriber D faces a problem that anyone who subscribes to magazines encounters, namely that sometimes one receives articles of no interest, and at other times, one misses the occasional article of interest in another magazine.

In the disclosed system, an application learns of a business event only if that business event is of a type likely to be of interest to the application. The decision of which application is to receive notice of what type of business event is carried by a process model. On page 10, the specification describes a process model as defining to whom a particular business event should be published.

In an effort to expedite prosecution, Applicant amends the claims to recite a system in which choosing the channel on which to publish a data object depends in part on the data object itself. Support for this amendment can be found throughout the specification, for example on page 10, referred to above, on page 21, which discloses publication of a "create customer" event

¹ *Gupta*, et al., U.S. Patent No. 5,913,061.

² *Koo*, et al., U.S. Patent No. 6,704,785.

only on the channel that receives that event, and in the business event definitions beginning on page 26, each of which specifies the particular subscribers for that type of business event.

Claims 2-11 and claims 16-17 are likewise rejected on the basis of *Gupta* and *Koo*. These claims include the limitations of claim 1 and are therefore allowable at least on the basis of the reasons set forth above in connection with claim 1.

By amending the claims, Applicant does not intend to admit that the proposed combination of references is proper. In fact, as discussed below, the proposed combination makes no sense.

The proposed combination of *Koo* and *Gupta* relies on the idea, disclosed by *Koo*, that having too many subscribers on a channel would overload that channel. As applied to *Gupta*, this would mean that certain of the applications 70 would be on one channel and certain others would be on other channels. This would ensure that no one channel becomes overloaded.

A side effect of this proposed scheme to combine *Gupta* and *Koo* is that certain pairs of applications, because they connect to different channels, will no longer be able to communicate with each other. Since *Gupta* is intended to facilitate collaborations between applications, and since collaboration presumably involves communication, it would seem counter-productive to deliberately prevent communication between selected pairs of applications.

Section 103 rejection based on *Gutpa*, *Koo*, and *Bass*

Independent claims 18, 29, and 38 stand rejected as being rendered obvious by the combination of *Gupta*, *Koo*, and *Bass*.³

This section 103 rejection is flawed because the Office Action lacks any statement of a basis for combining the references. Therefore, the Office Action fails to raise a prima facie case of obviousness. Accordingly, Applicant cannot respond to this rejection in a meaningful way.

³ *Bass*, et al., U.S. Patent No. 6,549,956.

The Examiner has provided some indication of which method steps are regarded as being performed by which applications. However, the proposed correspondence between the steps of claim 18 and the teachings of these references makes little sense. In fact, the proposed combination amounts to a hodgepodge of teachings plucked from the various references and thrown together with no coherent technical basis.

The section 103 rejection of claims 12-15 and claims 19-38 are all flawed for the same reasons discussed above in connection with claim 18.

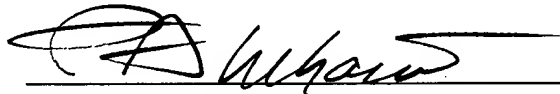
Summary

Now pending in this application are claims 1-48, of which claims 1, 18, 28, and 38 are independent.

No additional fees are believed to be due in connection with filing this response. However, to the extent fees are due, or if a refund is forthcoming, please adjust our deposit account 06-1050, referencing attorney docket "12587-008001."

Respectfully submitted,

Date: August 30, 2005



Faustino A. Lichauco
Reg. No. 41,942

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906